

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GARY KIRKINDOLL,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:11-CV-1921-D
VS.	§	
	§	
NATIONAL CREDIT UNION	§	
ADMINISTRATIVE BOARD, AS	§	
CONSERVATOR OF TEXANS CREDIT	§	
UNION, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION  
AND ORDER

The court *sua sponte* withdraws §§ I-III of its October 15, 2012 memorandum opinion and order, in which it denied defendants' June 7, 2012 motion for summary judgment. *See Kirkindoll v. Texans Credit Union*, 2012 WL 4866501, at \*1-7 (N.D. Tex. Oct. 15, 2012) (Fitzwater, C.J.). Defendants' June 7, 2012 motion for summary judgment is now taken under advisement, to be decided in due course on the original briefing,<sup>1</sup> unless the court requests further briefing.

Treating defendants' November 20, 2012 Rule 60(b) motion for relief from order denying summary judgment as a motion for reconsideration,<sup>2</sup> the motion is denied without prejudice as moot. Defendants' November 20, 2012 request under 28 U.S.C. 1292(b) to certify for immediate appeal

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<sup>1</sup>The original briefing means defendants' June 7, 2012 motion, brief, and appendix; plaintiff's June 28, 2012 response, brief, and appendix; and defendants' July 12, 2012 reply brief.

<sup>2</sup>Fed. R. Civ. P. 60(b) is inapposite because the summary judgment ruling was interlocutory, and Rule 60(b) applies to a final judgment, order, or proceeding.

the court's order denying summary judgment is also denied without prejudice as moot.

**SO ORDERED.**

December 19, 2012.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE